

ENTERED

March 22, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MATTHEW DOMINY,

Defendant.

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CRIMINAL ACTION NO. H-20-cr-244

REPORT AND RECOMMENDATION

On March 22, 2021, Defendant Matthew Dominy appeared with counsel for re-arraignment before the undersigned magistrate judge, the matter having been referred the District Court pursuant to 28 U.S.C. §636(b). Defendant appeared for the purpose of entering a guilty plea to Counts 1, 2 and 3 of the Indictment, Distribution of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and 2252(b)(1), receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and 2252A(b)(1), and possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2). Defendant Matthew Dominy consented in writing to plead guilty before a United States Magistrate Judge. After a conducting a hearing as prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

1. Defendant Matthew Dominy, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by United States District Judge Gray H. Miller.
2. Defendant Matthew Dominy is fully competent and capable of entering an informed plea.

3. Defendant Matthew Dominy is aware of the nature of the charges, the maximum punishment range and other penalties that may be imposed at sentencing.
4. Defendant Matthew Dominy understands his constitutional and statutory rights and wishes to waive those rights.
5. Defendant Matthew Dominy understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
6. Defendant Matthew Dominy's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Counts 1, 2 and 3 of the Indictment.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Defendant Matthew Dominy to Counts 2 and 3 of the Indictment be accepted by the court and that Matthew Dominy be adjudged guilty of the offense alleged Counts 1, 2 and 3 of the Indictment be accepted by the court and that Matthew Dominy be adjudged guilty of the offense alleged in Counts 1, 2 and 3 of the Indictment, Distribution of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and 2252(b)(1), receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and 2252A(b)(1), and possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2).

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from receipt to file written objections to this Report and Recommendation pursuant to General Order 2002-13. A party's failure to file written objections shall bar that party from attacking on appeal the factual findings and legal conclusions contained in the Report and Recommendation.

The original of any written objections shall be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas, 77208. Copies of objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 7007, Houston, Texas 77002.

SIGNED at Houston, Texas, this 22nd day of March, 2021.

A handwritten signature in black ink, reading "Christina A. Bryan". The signature is fluid and cursive, with the first name "Christina" being more prominent than the last name "Bryan".

Christina A. Bryan

United States Magistrate Judge